



# Department of Development Services

## Building Division

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Ronald L. Lynn, Director/Building Official

Highlighted excerpts are from the Building Administrative Code of Clark County.

**SUBJECT: TG-100-2008 QUALITY ASSURANCE AGENCY CONFLICT of INTEREST PROVISIONS**

- 1.0 PURPOSE:** This guideline promotes work environments free from a conflict of interest and the appearance of a conflict of interest situation. Quality Assurance Agencies shall conform with the Conflict of Interest Technical Guidelines in accordance with BAC 22.02.530 (F) and IBC 1703.1.1.
- 2.0 SCOPE:** This guideline sets forth procedural requirements for Clark County approved quality assurance agencies to establish and administer a conflict of interest policy and procedure company wide with application to inspection or testing services provided as a condition of a permit.
- 3.0 ABBREVIATIONS & ACRONYMS:**
- BAC:** Title 22, Chapter 22.02: Clark County Building Administrative Code
- CCDDS-BD** Clark County Department of Development Services – Building Division
- IBC:** International Building Code
- TG:** Technical Guideline
- 4.0 DEFINITIONS:** For the purpose of this technical guideline, certain terms, phrases, words and their derivatives shall be construed as specified in this section, the Technical Codes, or the Clark County Building Administrative Code.

**Approved Date: February 1, 2008**  
**Effective Date: March 1, 2008**

Written By:	Concurred By:	Approved By:
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## **CONFLICT of INTEREST**

A “conflicting interest” is any interest of the person (financial, personal, collaborative, or otherwise) that could reasonably impair, or that could be construed as impairing by a reasonable third party, his or her ability to act in the public’s best interest in the matter. Potentially conflicting interests often arise from outside employment, debtor/creditor relationships, consulting arrangements, family or personal relationships, legal or fiduciary arrangements, and business investments.

**CONFLICT of INTEREST AFFIDAVIT (Person)** is a document signed by each employee acknowledging understanding of the conflict of interest policy and their responsibilities regarding the policy.

**CONFLICT of INTEREST AFFIDAVIT (Project)** is a document signed by each employee acknowledging any potential conflict of interest for the proposed project.

**DESIGNATED RESIDENTIAL INSPECTOR** is an individual who has specialized knowledge, training, experience and certification(s) for one or more of the construction systems subject to residential inspection.

**PERSON** means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.

**QUALITY ASSURANCE AGENCY (QAA)** means an organization that is in the business of providing [third party] inspection, testing and reporting services for the types of construction that are designated in the technical codes.

**RETAIN:** A method to allow residential inspection services by which an agency has obtained approval in accordance with the technical guidelines and maintained compliance to the “Contracting for Services” as allowed in section 22.02.145 of the Building Administrative Code of Clark County.

**SPECIAL INSPECTOR** is an individual who has specialized knowledge, training, experience and certification(s) for one or more of the types of construction subject to special inspection.

**SPECIAL INSPECTION** is a process of inspection, testing, and reporting by approved special inspectors to assure the Building Official that the construction of critical structural elements, materials, and life safety systems is being performed in accordance with the approved construction documents.

**TECHNICAL CODES** are those codes adopted in Titles 22, 24, and 25 of the Clark County Code.

## **5.0 REFERENCES:**

International Building Code – current adopted edition as amended  
Title 22, Chapter 22.02: Clark County Building Administrative Code – current edition

## **6.0 RESPONSIBILITIES:**

### **6.1. Quality Assurance Agency**

- 6.1.1. Each quality assurance agency shall establish a conflict of interest policy and procedure as part of their quality system manual. The policy and procedure shall include those elements specified in section 7.0 below.
- 6.1.2. The quality assurance agency shall file a conflict of interest affidavit with the building division during each renewal period. The conflict of interest affidavit shall specify any potential conflicts of interest in accordance with the quality assurance agency conflict of interest policy and procedure.
- 6.1.3. The conflict of interest affidavit shall either specify that no conflict of interest exists or shall specify the potential conflict.

### **6.2. Building Division**

- 6.2.1. The Building Division is responsible to review the conflict of interest affidavit submitted by the quality assurance agency.
- 6.2.2. The Building Division shall determine if a conflict of interest exists based on the affidavit submitted.
- 6.2.3. If no conflict of interest exists, then the affidavit will be maintained with the QSM.
- 6.2.4. Conflicts of interest that surface during construction shall be investigated and documented by the building division. Resolution of the issues shall be part of the documentation.
- 6.2.5. If a conflict of interest appears to have affected the inspection process, the building division will take action necessary to eliminate the conflict. Actions may include removal of inspectors from the project or dismissal of the approved agency from the project for cause or issuance of a stop work order for the project until the matter is settled.

## **7.0 PROCEDURE:**

### **7.1. The conflict of interest policy and procedure shall apply to:**

- 7.1.1. Persons in the quality assurance agency that are likely to have any decision making authority and responsibility, such as the agency owner, officer, supervisor and inspector.
- 7.1.2. Financial arrangements between persons in the quality assurance agency and the project owner, developer, and contractors that could affect inspection results.
- 7.1.3. Employment of family members and relatives within and between the quality assurance agency, project owner, developer, contractors and design professionals that could affect inspection results.

**7.2. The conflict of interest policy and procedure shall include at a minimum the following components:**

- 7.2.1. Ethical guidelines.
- 7.2.2. Conflict of interest procedures, with examples, sufficient for persons to make their own determination as to whether a potential conflict exists as specified in sections 7.1.2 and 7.1.3.
- 7.2.3. Procedures for disclosure of potential conflicts of interests.
- 7.2.4. Procedures for resolution of conflicts of interest that arise during construction.
- 7.2.5. Inclusion of the direct conflicts of interest specified in section 7.3.

**7.3. The following are considered direct conflicts of interest:**

- 7.3.1. Plan examiner of record performing as the designated residential inspector.
- 7.3.2. Plan examiner of record performing as the special inspector.
- 7.3.3. Plan examination firm of record performing as the designated residential inspector.
- 7.3.4. Plan examination firm of record performing as the special inspector.
- 7.3.5. An inspection agency that has ownership by a contractor, developer or property owner and performs services required as a condition of the permit for these persons.
- 7.3.6. An inspection agency retained by Clark County Development Services - Building Division to perform specific services as a condition of the permit and who receives additional compensation from other sources for the same project or from persons having influence on the project.
- 7.3.7. An inspection agency performing as the special inspection or residential inspection agency for work on property that is owned or leased for their beneficial use.
- 7.3.8. The engineer of record performing as the special inspector, where he has authorized deviations from the approved construction documents without issuance of a Noncompliance Report.
- 7.3.9. The engineer of record performing as the designated residential inspector, where he has authorized deviations from the approved construction documents without issuance of a Noncompliance Report.

**7.4. The following are not a conflict of interest:**

- 7.4.1. Structural observation by the design professional of record.
- 7.4.2. Site visits by design professionals necessary to determine remedial measures.
- 7.4.3. Quality control by parties other than the inspection agency of record.
- 7.4.4. Quality assurance by parties other than the inspection agency of record.
- 7.4.5. Special inspection by the same firm or person that is retained to perform the duties of the designated residential inspector.
- 7.4.6. Residential inspection by the same firm or person that is retained to perform the duties of the special inspector.
- 7.4.7. Mechanical On-site Observation (smoke control) by the design professional of record.

**7.5. CCDDS-BD will retain a quality assurance agency to provide residential inspection in accordance with this guideline and established policies and procedures.**

**7.6. CCDDS-BD will name the agency specified by the owner or the owner's agent to provide special inspection services on the special inspection agreement.**

**8.0 RECORDS:** Conflict of Interest Affidavit is to be maintained with the approved agency documentation.

**9.0 ATTACHMENTS:** Appendix A - Conflict of Interest affidavit (Person)

**10.0 REVISION HISTORY:**

<b>Title</b>	<b>Revision/Approved Date</b>	<b>Effective Date</b>
TG – 100 – 2008	February 1, 2008	March 1, 2008
TG -100 - 2005	October 24, 2005	November 1, 2005

**TG-100      Appendix - A**

# **AFFIDAVIT**

## **POLICY UNDERSTANDING: Conflict of Interest**

**Date:** \_\_\_\_\_

**Employee:** \_\_\_\_\_

**Employee No.:** \_\_\_\_\_

**Supervisor:** \_\_\_\_\_

**Employer:** \_\_\_\_\_

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The employee signature at the end of this document is an affidavit that the employee received training with respect to the conflict of interest policies and procedures contained within the firm's quality system manual and understands the employee's responsibility to comply with these policies.

### **Conflict of Interest:**

**[This is where the policy and procedure contained within the quality system manual may be inserted]**

### **Affidavit of Policy Understanding:**

I understand the above policies and will comply with their requirements.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date